

REMARKS

In response to the Office Action mailed June 17, 2009, Applicants hereby request reconsideration of the rejections based upon the claim amendments and arguments submitted herewith. Claims 1-36 were presented for examination, of which all were rejected, with the following issues being raised:

1. The drawings were objected to for numerous informalities.
2. The specification was objected to for including a hyperlink and two graphs.
3. Claims 20, 23, and 31 were objected to on the basis of informalities.
4. Claims 1-32 and 35 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite;
5. Claims 1-7, 10, 14, 15, 17-19, 21, 22, 24, 33, and 36 were rejected under 35 U.S.C. § 102(a) as anticipated by U.S. Patent No. 5,158,005 to Negishi et al. ("Negishi");
6. Claims 11-13, 34, and 35 were rejected under 35 U.S.C. § 103(a) as obvious over Negishi.
7. Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as obvious over Negishi in view of U.S. Patent No. 4,875,469 to Brook et al. ("Brook");
8. Claim 16 was rejected under 35 U.S.C. § 103(a) as obvious over Negishi in view of U.S. Patent Application No. US 2003/0065250 to Chiel et al. ("Chiel");
9. Claims 20 and 25-28 were rejected under 35 U.S.C. § 103(a) as obvious over Negishi in view of U.S. Patent No. 3,976,057 to Barclay; and
10. Claims 23 and 29-32 were rejected under 35 U.S.C. § 103(a) as obvious over Negishi in view of U.S. Patent No. 1,928,368 to Coffey.

By this Amendment and Response, Applicants have amended independent claims 1, 10, and 33 and dependent claims 4-7, 11-18, 20-28, 30-32, and 35 to more clearly point out and distinctly claim the subject matter Applicants consider the invention. Following the amendments, claims 1-18, 20-28, and 30-36 remain pending in this application.

Applicants further hereby delete the previously submitted Fig. 13 and have filed herewith new Figs. 13 and 14 as part of the attached replacement sheets of drawings.

Objections to the Drawings and Specification

Applicants have submitted five (5) replacement drawing sheets and one new drawing sheet, with new Figs. 13 and 14. In addition, the shading has been removed from figures 5-12. Since new figures 13 and 14 were included in the specification as originally filed, Applicants submit that no new matter has been added.

Applicants have also submitted a substitute specification to remove the objectionable hyperlink and graphs. In addition, Applicants have amended the specification in conformance with MPEP and USPTO practices. Specifically, Applicants have removed the multiple references to reference characters "28", "30", and "130". Applicants have added reference character "125" to designate a person, reference character "13" to designate the inner bladder, and reference character "15" to designate the braided material. Applicants have also clarified the reference to reference character "32". Support for the amendments is provided throughout the original specification, as filed. Therefore, these amendments raise no questions of new matter. In view of these amendments, Applicants hereby request that the objections to the drawings and specification be withdrawn.

Objections to the Claims

Applicants have amended claims 23 & 31, as suggested, to correct the informalities identified in the Office Action. With respect to claim 20, however, the Office Action incorrectly states that the subject "each" should agree with the verb "are," when in fact the subject "each" is singular and therefore agrees with the verb "is." As such, claim 20 has not been amended as suggested. In view of these amendments and remarks, Applicants request withdrawal of the objections to claims 20, 23, & 31.

Indefiniteness Rejections

Claims 1-32 and 35 were rejected as indefinite for failing to point out and distinctly claim the subject matter which Applicants regard as the invention. Independent claims 1, 10, and 33 have been amended to more clearly and distinctly claim the subject matter Applicants regard as the invention. Further, claims 19 and 29 have been cancelled and claims 4-7, 11-18, 20-28, 30-32, and 35 have been amended

to correct various indefiniteness defects. In view of these amendments, Applicants request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Anticipation Rejections

Independent claims 1, 10, and 33 were rejected under 35 U.S.C. § 102(a) as anticipated by U.S. Patent No. 5,159,005 to Negishi et al. ("Negishi"). Anticipation requires that each element of the claim is disclosed in the cited prior art reference.

Claim 1 was amended to recite "a helical coil spring positioned over at least a portion of the braided material or inside the inner bladder, and positioned between the first end and the second end." These limitations are not disclosed in Negishi.

Negishi discloses a spring with one end fixed to the cylinder member 22, while the other end is fixed to a clamp sleeve 18. (Column. 4, lines 39-46; Figs. 3a & 3b). As shown clearly in Fig. 1 of Negishi, a spring is not positioned between the ends of the inner bladder. Rather, the spring of Negishi is positioned over one end and extends away from the inner bladder. Negishi also does not disclose the spring positioned inside the inner bladder. Thus, for at least these reasons, Negishi does not anticipate amended claim 1.

Claims 2-7 were also rejected as anticipated by Negishi. Because each of these claims ultimately depends from claim 1, where Negishi does not anticipate amended claim 1, it also does not anticipate claims 2-7.

Negishi also does not anticipate amended claim 10. Amended claim 10 recites

“at least one muscle actuator, each muscle actuator comprising ... a mechanical device coupled in parallel with the inner bladder such that when the inner bladder is inflated, a compression force is generated on the mechanical device, and when the inner bladder is deflated, a pushing force is generated by the mechanical device.”

As is shown clearly in Fig. 3b of Negishi, one end of the spring is secured to the cylinder member 22, while the other end of the spring is fixed to the clamp sleeve 18. (Column 4, lines 46-55). In this configuration, the spring is coupled in series with the inner bladder, not in parallel. Thus, Negishi fails to disclose a mechanical device coupled in parallel with the inner bladder. As such, Negishi does not anticipate amended claim 10.

Negishi also does not anticipate amended claim 33. Amended claim 33, recites “A combination pneumatic actuator muscle coupled *in parallel* with a mechanical device adapted to receive a compression force and generate a pushing force when the compression force is removed”. As discussed above, Negishi discloses that the bladder and braid are coupled in series with the spring, as opposed to being coupled in parallel. For this reason, Negishi does not anticipate amended claim 33.

Claims 14, 15, 17, 18, 21, 22, 24, and 36 were also rejected by Negishi, and each ultimately depends from one of claims 10 and 33. Where, for the reasons discussed above, Negishi does not anticipate amended claims 10 and 33, it also does not anticipate any of these dependent claims.

Obviousness Rejections

Claims 11-13, 34, and 35 were rejected as obvious over Negishi. In addition, Claims 8, 9, 16, 20, 23, 25-28, and 30-32 were rejected as obvious using Negishi as the primary reference in combination with one of Brook, Chiel, Barclay, and Coffey. Obviousness requires that each and every limitation of the claim be disclosed within the cited references.

Each of claims 11-13, 16, 20, 23, 25-28, and 30-32 ultimately depends from claim 10, and each of claims 34 and 35 ultimately depends from claim 33. As indicated above, Negishi does not teach all the limitations of amended claims 10 and 33. Further, none of Brook, Chiel, Barclay, and Coffey teach the limitations of amended claims 10 and 33 that are absent from the teachings of Negishi. As such, the cited combinations against claims 11-13, 16, 20, 23, 25-28, 30-32, 34 and 35 do not render any of these claims obvious.

Conclusion

For the foregoing reasons, Applicant requests withdrawal of the objections and reconsideration of the rejections.

The undersigned believes no extensions or fees are due with this response. However, if an extension is needed or a fee is due, please consider this a request therefor and charge Deposit Account No. 03-2775, under Order No. 09049-00004-US1, from which the undersigned is authorized to draw.

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Respectfully submitted,

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